

Steven H. Jesser
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Attorney for Defendant

DAYID HILDERBRAND, DAVID KIDDERMAN,
YRAN DETZEL, MARK MILLER,

Plaintiffs

No.: 01-16cv4040

Hon. Kathleen Polk Failla, Presiding

vs.

DOWNING IN VESTMENT PARTNERS, LP, DOWNING PARTNERS, LLC, 3SI SYSTEMS, LLC, DAYID W.
WAGNER, MICHAEL H. SHAUT, GREG AUDA, R ICHARD BUCKINGHAM, JEFF RICE, MARC M.
LAWRENCE, MICHAEL GRUMBINE, BRETT GIFFIN, GEORGE ROBBIE, and GLENN HAUFLE
Defendants.

DEFENDANTS' REPLY TO PLAINTIFFS' RESPONSE TO THEIR
MOTION TO DISMISS SCECOND AMENDED COMPLAINT

May It Please the Court:

On 2/2/2017, Jesser filed an appearance for all defendants, since which time, conflicts of interest have been discovered between defendant Jay Pila and defendant Glenn Hauser, and the rest of the other defendants who Jesser represents. All of this will be the subject of Jesser's forthcoming motion to withdraw from them, and possibly another or two certain clients.

As matter of legal training and early severe complex jury trial experience, and much judicial mentoring, Jesser ascribes to the maxim of "less is more", where appropriate. Just two weeks ago, another prolific writer like Your Honor, Judge Richard Posner of USCA-7, reiterated to the bar that "less is more," first uttered in 1938 by a legendary Chicago worldwide architect.

Against that backdrop, Jesser copiously studied the entire record, including the opposing briefs which the parties have already filed. Jesser cannot additionally improve defendants' opening brief. It is articulate, thorough, analytical of cited caselaw, and, overall, relevant of the applicable cited caselaw, to the pled facts. Contrarily, Jesser assessed plaintiffs' Response brief to be repetitive of their Second Amended Complaint, rambling, and unclear and inapposite how its citations were relevant to the facts *sub judice*. Jesser evaluates that he has nothing of pertinence to which to reply, and therefore decides herein not to file a separate Reply brief, since Jesser obeys court rules, including that of replying only to matter within the four corner of the pleading (or motion) which is pending. On its Response, plaintiffs state nothing new.

For all of the above reasons, defendants urge the Court to grant their motion.

/s/ Steven H. Jesser

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February 27, 2017

CERTIFICATE OF SERVICE

I, Steven H. Jesser, the attorney, certify that I shall, this date, I shall file by ECF the foregoing and above Response, to the Clerk of Court, and, at the same time, to Carmel Milazzo, & Dichiera, LLP, counsel for plaintiff.

/s/ Steven H. Jesser

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